

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CIVIL APPLICATION (CAO) NO. 679/2022 IN
MISC. CIVIL APPLICATION STAMP NO. 13080/2022
Sk. Ibrahim S/o Chottu (Dead) Nasimbano Wd/o Sk. Ibrahim
Vs.
Union of India

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders

Shri R.G. Bagul, Advocate for appellant
Ms Neerja Chaubey, Advocate for respondent
Shri R.L. Khapre, Senior Advocate Assisting the Court

CORAM : SMT. M.S. JAWALKAR, J.
DATE : 08/09/2022

Pursuant to the order dated 03/08/2022 Registrar (Judicial) issued show cause notice to the Advocate Ms Poonam Moon. The explanation is submitted by the concerned notary. It appears that the party was identified by the Advocate Shri Sabale who is no more alive. It is mandatory on the part of notary to take care that party in person has to be present at the time of notarizing of the document and she should take care while verifying the identity.

2. It appears that on the basis of identification by Counsel the said document was notarized whereas the party was not alive at the time of notarizing document. It appears that and some other person was produced by the Advocate as Sk. Ibrahim.

3. In view of explanation and in view of statement made by Senior Counsel Shri R.L. Khapre that concerned notary will take proper care in future before notarizing the document to procure the document in respect of identification of that person, I do not propose any further action.

CIVIL APPLICATION (CAF) NO. 679/2022

The present application is filed for condonation of delay in filing Misc. Civil Application for restoration.

2. Registrar (Judicial) passed order of dismissal for want of removal of office objection. The matter came to be dismissed vide order dated 01/08/2017. The appellant came to know about dismissal on 16/08/2022. The reason given for not taking any steps to remove office objections is that the clerk has not marked the matter in the list. The application is opposed by learned Counsel for the respondent.

3. However, considering the reasons which are not intentional or deliberate, the application is allowed. The delay in filing restoration application is condoned.

4. The Registry is directed to register Misc. Civil Application Stamp No. 13080/2022.

MISC. CIVIL APPLICATION STAMP NO. 13080/2022

Learned Counsel for the appellant seeks restoration of first appeal which was dismissed for want of removal of office objections vide order dated 18/07/2017 by Registrar (Judicial), taking effect on 01/08/2017. The reason given is inadvertent mistake of the clerk.

2. In the interest of justice, application is allowed.
3. Registry is directed to register the first appeal stamp No. 12872/2017 to its original number.
4. The appellant to remove office objection after registration within two weeks.
5. The Misc. Civil Application stands disposed of.

(SMT. M.S. JAWALKAR, J.)

Jayashree..